

REMARKS

Reconsideration is requested. Claims 14-31 are pending. The Examiner's allowance of claim 14, 15, 18, 20-22, 24 and 25 is acknowledged, with appreciation. Claims 26-31 have been withdrawn from consideration. Rejoinder and allowance of claims 26-31 along with the remaining claims 16, 17, 19 and 23, are requested.

Claims 26-31 have been amended, without prejudice, to advance prosecution.

The Examiner's acknowledgement that the drawings filed November 19, 2001, are accepted and that the certified copy of the priority document has been received by the Patent Office are appreciated. See, page 1 of the Office Action dated February 25, 2003. The Examiner's acknowledgement of the applicants claim for domestic priority is also acknowledged with appreciation. Id.

Claim 16 has been amended to advance prosecution, without prejudice. The amendment of claim 16 obviates the Rule 75 objection to claims 16, 19 and 23 stated on page 2 of the Office Action dated January 5, 2004. Reconsideration and withdrawal of the Rule 75 objection of claims 16, 19 and 23 are requested.

The Section 102 rejection of claims 16, 17, 19 and 23 over U.S. Patent No. 5,728,802 (Barrett et al), is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following distinguishing comments.

Claim 16 is directed to a peptide of SEQ ID NO:2. The sequence indicated by the Examiner of the cited art (i.e., SEQ ID NO:119) is, according to the Examiner, a 10 amino acid sequence. SEQ ID NO:2 of the present application and claims is a 6 amino

acid sequence. Accordingly, the sequence identified by the Examiner cannot contain each and every aspect of the presently claimed invention of claim 16. As claims 19 and 23 depend from claim 16, these claims are also submitted to be patentable over Barrett. With specific regard to claim 17, the polypeptide or variant of the claim is also submitted to contain 6 amino acid such that the amino acid sequence of the cited patent identified by the Examiner does not teach each and every aspect of the invention of the rejected claim.

For completeness, the applicants note that Barrett describes ELAM polypeptides, one of which is the identified SEQ ID NO:119. As noted above, this is a 10 amino acid peptide of sequence DIWEDWVRWM, which includes the DVRW motif at the C-terminal. As noted above, claim 16 is directed to a isolated peptide with a sequence of SEQ ID NO:2. As the specific sequence of SEQ ID NO:2 is not disclosed or suggested by Barrett, the rejected claims are submitted to be patentable over the same.

Reconsideration and withdrawal of the Section 102 rejection of claims 16, 17, 19 and 23 over Barrett are requested.

The Section 102 rejection of claims 16, 17, 19 and 23 over Renschler (WO 94/18345), is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following distinguishing comments.

Renschler describes, according to the Examiner, an 8 amino acid peptide comprising the RWH motif, which is a 3 amino acid fragment of SEQ ID NO:2. The cited reference however does not disclose or suggest the 6 amino acid sequence of SEQ ID NO:2. As the cited art failed to teach each and every aspect of the presently

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claimed invention, the rejected claims are submitted to be patentable over the cited art.

Reconsideration and withdrawal of the Section 102 rejection of claims 16, 17, 19 and 23 over Renschler are requested.

Rejoinder and allowance of the method claims, as noted above, are again requested.

The claims are submitted to be condition for allowance and a Notice to that effect is requested.

Respectfully submitted,

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